

REMARKS

Currently, claims 1-10 and 12-48 are pending. The only independent claims, claims 1 and 6, are currently amended. Claim 11 was previously canceled.

Rejections under 35 U.S.C. §103(a)

In section 2 and 3 of the Examiner's office action, the Examiner rejected claims 1-10, 12-45 and 47-48 as been Claims 1-45 and 47-48 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Mark Allen Weiss ("Mark et al."). Based on reasons as set forth below, Applicants respectfully request reconsideration and withdrawal of the claim rejections.

I. Mark et al. fail to Teach or Suggest "a (Redistribution) Data Structure Having (comprising) a Head..., a Tail... and a Body... Pointers (Pointing) to... Nodes of the (Sorted) Tree Structure " as recited in Amended Independent Claims 1 and 6.

To establish a prima facie case of obviousness, the prior art reference must teach or suggest all of the claim limitations. MPEP §2142. Applicants assert that Mark et al. fail to teach or suggest "*a (redistribution) data structure having (comprising) a head..., a tail... and a body... pointers (pointing) to... nodes of the (sorted) tree structure*" as recited in claims 1 and 6. Thus, amended independent claims 1 and 6 are not rendered obvious by Mark et al. Accordingly, Applicants submit that claims 1 and 6 are now allowable.

For the sole purpose of expediting prosecution of this application, the Applicants have also amended independent claims 1 and 6 to also recite that "at least two contiguous empty nodes are maintained for the life of the data structure." Support for the subject matter added to claims 1 and 6 is found in the specification on page 8, lines 13-17 and Fig. 3A. Accordingly, no new matter has been added.

The Applicants respectfully request that the Examiner withdrawn the rejections with respect to claims 1-10, 12-45 and 47-48. In addition, because claim 46 depends from independent claim 6, the Applicants request that the Examiner withdraw the rejection with respect to claim 46.

CONCLUSION


Based on the reasons as set forth above, Applicants respectfully request reconsideration of the claim rejections and allowance on claims 1-10 and 12-48. Should the Examiner still maintain his rejections, the Applicants request that the Examiner enter the claims as amended in preparation for Appeal.

The Applicants believe that no fee is currently due. The three-month period of response based on the March 12, 2004 mailing date of the Examiner's Office Action is June 12, 2004, and May 12, 2004 for a following advisory office action. Thus no extension fee is due. Because the number of independent and total claims remains unchanged in this Amendment B, no additional claim fee is due.

In the event that a telephone conference would expedite prosecution of the application, the Examiner is respectfully invited to contact the undersigned by telephone at the number set out below.

Dated: 05-12-04

Respectfully submitted,



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